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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/537,463

06/03/2005

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EXAMINER

ADEGEYE, OLUWASEUN

ART UNIT

PAPER NUMBER

2621

MAIL DATE

DELIVERY MODE

07/22/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/537,463	Applicant(s) DAMSTRA ET AL.	
	Examiner OLUWASEUN A. ADEGEYE	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04/26/2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 10 is/are pending in the application.
- 4a) Of the above claim(s) 6 - 10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11/21/2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 04/26/2010 with respect to claims 1 and 4 have been fully considered but they are not persuasive.

In re page 2 of the applicants' argument, applicants argue that the cited Wilkinson reference does not disclose recording using a video recorder, a value indicative of the container length as taught and claimed by the applicants. In response, the examiner respectfully disagrees. Paragraph 6 clearly discloses a video recorder storing material and paragraph 8 discloses that the material has a length field. Paragraph 20 also discloses a length field indicating the length of the value field.

In re page 3 of the applicant's argument, applicants argue that none of the cited references discloses a key indicative of a back pointer. In response, the examiner respectfully disagrees. Paragraph 23 of the cited Cornog reference discloses a disk offset that points to the beginning of the content package, or its first element.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 – 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilkinson (US 2002/0164149 A1) in view of Cornog et al (US 2002/0009172 A1).

As to **claim 1**, Wilkinson discloses a method for recording data, said method being implemented on a video recorder (381) (see [006]) and comprising the steps of:

recording using said video recorder a data container having a given container length (see [008], [020], [068] and [071])

recording using said video recorder a length indicator (see [008], [020], [068] and [071])

recording using said video recorder a value indicative of the container length (see [008], [020], [068] and [071])

Wilkinson does not disclose recording using said video recorder a key indicative of a back-pointer.

Cornog discloses recording using said video recorder a key (disk offset) indicative of a back-pointer (see [023]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have added the key indicative of a back pointer taught by Cornog to the apparatus of Wilkinson to provide random access to each element in the interleaved data stream (see [005]).

As to **claim 2**, Wilkinson in view of Cornog discloses a method according to claim

1. Wilkinson discloses with the further step of:

recording the length indicator (see [008], [020], [068] and [071])

As to **claim 3**, Wilkinson in view of Cornog discloses a method according to claim

2. Cornog discloses with the further step of:

recording the key indicative of the back-pointer (see [023]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have added the key indicative of a back pointer taught by Cornog to the apparatus of Wilkinson to provide random access to each element in the interleaved data stream (see [005]).

As to **claim 4**, grounds for rejecting claim 1 apply to claim 4 in its entirety.

As to **claim 5**, Wilkinson discloses a method according to claim 4, wherein the sets of data are key length value KLV encoded (see [068]).

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OLUWASEUN A. ADEGEYE whose telephone number

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is (571)270-1711. The examiner can normally be reached on Monday - Friday 7:30 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on 571-272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marsha D. Banks-Harold/ SPE Art Unit 2621

/O.A/

07/16/2010